

AMENDED IN ASSEMBLY JUNE 30, 2016

AMENDED IN SENATE APRIL 19, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1273

Introduced by Senator Moorlach

*(Coauthors: Senators Anderson, Bates, Fuller, Gaines, Hertzberg,
and Stone)*

*(Coauthors: Assembly Members Brough, Chang, Chávez, Harper, and
Olsen)*

February 18, 2016

An act to amend Section 5813.5 of the Welfare and Institutions Code,
relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1273, as amended, Moorlach. Crisis stabilization units: funding.

Existing law contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services, as specified.

The act establishes the Mental Health Services Fund, *which is* continuously appropriated ~~to~~ *to*, and administered ~~by~~ *by*, the State Department of Health Care Services, to fund specified county mental health programs, including programs funded under the Adult and Older Adult Mental Health System of Care Act. Existing law prohibits these

funds from being used to pay for persons incarcerated in state prison or parolees from state prisons.

This bill would clarify that the counties may use Mental Health Services Fund moneys to provide *voluntary* outpatient crisis stabilization services to ~~individuals who are voluntarily receiving those services, individuals,~~ even when individuals who are receiving *involuntary* services ~~involuntarily~~ are treated at the same facility. Because the bill would clarify the procedures and terms of Proposition 63, it would require a majority vote of the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) There is an urgent and crucial need for mental health crisis
4 stabilization services in California.

5 (2) In 2004, the California electorate approved Proposition 63,
6 the Mental Health Services Act, to address serious mental illness
7 among adults, children, and seniors, including the provision of
8 prevention and early intervention services.

9 (3) Currently, there are counties using Mental Health Services
10 Act (MHSA) moneys for crisis stabilization services, and other
11 counties that are not. Some counties not using MHSA moneys for
12 crisis stabilization services have expressed the need for clarification
13 of state law that the colocation of voluntary and involuntary
14 services at facilities providing crisis stabilization services does not
15 preclude the use of MHSA moneys.

16 (b) The Legislature finds and declares that this act clarifies that
17 counties may use funds provided under the Mental Health Services
18 Act to provide ~~services to individuals who are voluntarily receiving~~
19 ~~services at facilities at which individuals who are receiving services~~
20 ~~involuntarily are also treated.~~ *voluntary services to individuals*
21 *who are receiving services at facilities in which involuntary*
22 *services are also provided.*

23 SEC. 2. Section 5813.5 of the Welfare and Institutions Code
24 is amended to read:

25 5813.5. Subject to the availability of funds from the Mental
26 Health Services Fund, the state shall distribute funds for the

1 provision of services under Sections 5801, 5802, and 5806 to
2 county mental health programs. Services shall be available to adults
3 and seniors with severe illnesses who meet the eligibility criteria
4 in subdivisions (b) and (c) of Section 5600.3. For purposes of this
5 act, “seniors” means older adult persons identified in Part 3
6 (commencing with Section 5800) of this division.

7 (a) Funding shall be provided at sufficient levels to ensure that
8 counties can provide each adult and senior served pursuant to this
9 part with the medically necessary mental health services,
10 medications, and supportive services set forth in the applicable
11 treatment plan.

12 (b) The funding shall only cover the portions of those costs of
13 services that cannot be paid for with other funds including other
14 mental health funds, public and private insurance, and other local,
15 state, and federal funds.

16 (c) Each county mental health program’s plan shall provide for
17 services in accordance with the system of care for adults and
18 seniors who meet the eligibility criteria in subdivisions (b) and (c)
19 of Section 5600.3.

20 (d) Planning for services shall be consistent with the philosophy,
21 principles, and practices of the ~~Recovery Vision~~ *recovery vision*
22 for mental health consumers:

23 (1) To promote concepts key to the recovery for individuals
24 who have mental illness: hope, personal empowerment, respect,
25 social connections, self-responsibility, and self-determination.

26 (2) To promote consumer-operated services as a way to support
27 recovery.

28 (3) To reflect the cultural, ethnic, and racial diversity of mental
29 health consumers.

30 (4) To plan for each consumer’s individual needs.

31 (e) The plan for each county mental health program shall
32 indicate, subject to the availability of funds as determined by Part
33 4.5 (commencing with Section 5890), and other funds available
34 for mental health services, adults and seniors with a severe mental
35 illness being served by this program are either receiving services
36 from this program or have a mental illness that is not sufficiently
37 severe to require the level of services required of this program.

38 (f) Each county plan and annual update pursuant to Section
39 5847 shall consider ways to provide services similar to those
40 established pursuant to the Mentally Ill Offender Crime Reduction

1 Grant Program. Funds shall not be used to pay for persons
2 incarcerated in state prison or parolees from state prisons.

3 (1) When included in county plans pursuant to Section 5847,
4 funds may be used for the provision of mental health services under
5 Sections 5347 and 5348 in counties that elect to participate in the
6 Assisted Outpatient Treatment Demonstration Project Act of 2002
7 (Article 9 (commencing with Section 5345) of Chapter 2 of Part
8 1).

9 (2) When included in county plans pursuant to Section 5847,
10 funds may be used for the provision of *voluntary* outpatient crisis
11 stabilization services to ~~individuals who are voluntarily receiving~~
12 ~~those services, even when facilities colocate services to individuals,~~
13 ~~even when~~ individuals who are receiving ~~services involuntarily~~
14 ~~involuntary services~~ are treated at the same facility. *This paragraph*
15 *is not intended to require or authorize the displacement of*
16 *employees covered under a collective bargaining agreement*
17 *governed by the Meyers-Milias-Brown Act (Chapter 10*
18 *(commencing with Section 3500) of Division 4 of Title 1 of the*
19 *Government Code) who perform services described in this*
20 *paragraph.*

21 (g) The department shall contract for services with county
22 mental health programs pursuant to Section 5897. After the
23 effective date of this section, the term grants referred to in Sections
24 5814 and 5814.5 shall refer to such contracts.